

FACTSHEET
PROVISIONAL VOTING

Help America Vote Act of 2002 (HAVA)

The Help America Vote Act of 2002 (Title III, Sec. 302) requires states to implement provisional voting procedures by January 1, 2004. Individuals who do not appear on the official list of registered voters, but attest that they have registered to vote, must sign a written affirmation that they are registered voters and are eligible to vote in the election. A state or local official must then verify the ballot. The state will provide the voter a free access system (toll free telephone or Internet) number to call to verify that the ballot was or was not counted and, if not, why the ballot was not counted.

How Provisional Voting Works

Requirements for provisional voting [HAVA Sec. 302 (a)]:

1. A voter attests that he or she has registered to vote, and is eligible to vote in the correct district and precinct in that election, but there is no evidence of registration.
2. An election official asserts that the individual is not eligible to vote.

Provisional voting procedures [HAVA Sec. 302 (a)(1-5)]:

1. An election official at the polling place shall notify the voter that he or she may cast a provisional ballot in that election.
2. A voter shall be permitted to cast a provisional ballot at the polling place upon execution of a written affirmation ("Affirmation for Provisional Voting" on the Registration Affidavit Form) by the individual before an election official at the polling place, stating that the individual is:
 - a. a registered voter in the jurisdiction in which the individual desires to vote; and
 - b. eligible to vote in that election.

3. An election official shall transmit the provisional ballot cast to the County Clerk for prompt verification.
4. If the County Clerk determines the voter is eligible under State law to vote, the voter's provisional ballot shall be counted in accordance with State law.
5. The voter will be given a copy of the Registration Affidavit Form (RAF) with the "211" toll free number to call to verify whether their provisional ballot was counted or not, and if not, the reason that the vote was not counted.

This Factsheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

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Office of Elections – FSPO405A
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